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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/470,180

12/22/1999

JAY MERVES

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EXAMINER

CUFF, MICHAEL A

ART UNIT

PAPER NUMBER

3627

MAIL DATE

DELIVERY MODE

04/09/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/470,180	Applicant(s) MERVES ET AL.	
	Examiner Michael Cuff	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed 12/17/07 has 280 items. Many of the references do not have relevant dates that are prior to the filing date of the application, let alone the priority date. Many of the NPL references are missing dates all together. In a random look, page 10 had 7 bad dates and items 219, 223, and 226 don't appear to have much relevance to the current application. The IDS has been placed in the application file, but the information referred to therein has not been considered as to the merits.

As a result of the problems with the IDS, Rule 37 CFR 1.105 (a) (1) (iii) requirement will be imposed to provide the relevance of each reference in the 12/17/07 IDS.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Levine et al.

Levine shows an electronic site 200 (maintaining an electronic site on the computer network to which users may connect, also includes electronic screen for display of results). The system facilitates and archives the process of loan origination to securitization (mortgage-backed securities). Risk/Return module 332 (column 25, line 55, section I) receives search criteria over the computer network from subscribers (not the investors, see column 5, lines 62-63). Risk/Return module 332 also shows searching the historical data from loan origination (underlying security) to securitization. While having archived searchable data, the data can be updated in real-time (column 26, line 33). (The examiner is considering any time frame from origination to real-time to be shown). From bottom of column 25 to the top half of column 26, note all the different reports generated from the historical financial performance data (retrieving step). The background does a good job of describing well-known details such low or high risk loans, adjustable rates, "jumbo" loans, etc. The negotiations for the loan pooling is considered to become the Pooling and Servicing agreement (includes information for trustee report and indenture documents per applicant's page 4 of the specification. Levine stores this information and therefore also meets claims 39 and

40). After reading the reference and the examiner's interpretation, it should be apparent that claims 1-45 are anticipated.

Response to Arguments

Applicant's arguments filed 12/17/07 have been fully considered but they are not persuasive.

Applicant assert that the prior art fails to disclose searching underlying securities. The examiner does not concur. From the rejection, Risk/Return module 332 also shows searching the historical data from loan origination (underlying security) to securitization. While having archived searchable data, the data can be updated in real-time (column 26, line 33).

Applicant assert that the prior art fails to disclose retrieving historical financial performance data associated with the underlying security. The examiner does not concur. From the rejection, Risk/Return module 332 also shows searching the historical data from loan origination (underlying security) to securitization. While having archived searchable data, the data can be updated in real-time (column 26, line 33).

Applicant assert that the prior art fails to disclose storing reports. The examiner does not concur. From the rejection, The negotiations for the loan pooling is considered to become the Pooling and Servicing agreement (includes information for trustee report and indenture documents per applicant's page 4 of the specification).

Applicant assert that the prior art fails to disclose storing and search contact information. The examiner does not concur. The Levine invention has an archive and search tools. It discloses storing and searching all information that is background to the securitization.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Cuff whose telephone number is (571) 272-6778. The examiner can normally be reached on 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Cuff/

Primary Examiner, Art Unit 3627